



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,395	08/23/2001	Gaurav Batra	AUS920010449US1	9828

35525 7590 07/14/2006

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,395

Applicant(s)

BATRA ET AL.

Examiner

Kevin Schubert

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-10, 12-14, 18-23, 25-27, 31-36, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 2-4, 11, 15-17, 24, 28-30 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2137

DETAILED ACTION

Claims 1-39 have been considered.

Allowable Subject Matter

5 Claims 2-4,11,15-17,24,28-30, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

10 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20 Claims 1,5-10,12-14,18-23,25-27,31-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli, U.S. Patent No. 6,631,416, in view of Pfeiffer (Pfeiffer, Ralf I. March 2, 1999. XML Tutorials for Programmers. Retrieved from <http://www.informatik.hu-berlin.de/~xing/Lib/RIP-writing.pdf>).

25 As per claims 1,14, and 27, the Applicant describes a computer-implemented method comprising the following limitations which are met by Bendinelli in view of Pfeiffer:

 a) retrieving a remote computer system identifier (Bendinelli: Col 17, lines 21-65; Col 10, line 60 to Col 11, line 8);

 b) determining whether a local-remote pair corresponding to the identifier is found, wherein the local-remote pair is used in selecting a security policy, and wherein an error is reported indicating that a

Art Unit: 2137

user needs to configure a tunnel with the remote computer system if the local-remote pair is not found
(Bendinelli: Col 17, lines 21-65; Col 10, line 60 to Col 11, line 8);

c) defining a configuration of an IP security tunnel between the data processing system and the remote computer system utilizing a security policy specification format, wherein said security policy
5 specification format is established as a document type definition (DTD) file capable of being utilized by a plurality of different operating systems and a plurality of different machine types (Bendinelli: Col 17, lines 36-63; Pfeiffer: pages 5-6);

Bendinelli teaches limitations of the above claim. Further, while Bendinelli discloses establishing a security policy specification format via an XML file, Bendinelli appears to be silent as to use of a DTD
10 file. Pfeiffer discloses the well-known idea of a DTD file. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Pfeiffer with those of Bendinelli and use a DTD file because DTD files are typical means for storing policy and rules.

As per claims 5-8,18-21, and 31-34, the Applicant describes the method according to claims 1,14,
15 and 27, which are met by Bendinelli in view of Pfeiffer, with the following limitation:

Further comprising the step of including a root element in said security policy specification format
(Bendinelli: Col 17, lines 21-65).

As per claims 9-10,22-23, and 35-36, the Applicant describes the method according to claims
20 1,14, and 27, which are met by Bendinelli in view of Pfeiffer, with the following limitation:

Further comprising the step of establishing an identification element in said security policy specification format (Bendinelli: Col 17, lines 21-65).

As per claims 12-13,25-26, and 38-39, the Applicant describes the method according to claims
25 1,14, and 27, which are met by Bendinelli in view of Pfeiffer, with the following limitation:

Further comprising the step of automatically configuring an IP security tunnel utilizing said security policy specification format (Bendinelli: Col 17, lines 21-65).

Response to Arguments

Applicant's arguments, see Remarks, filed 4/26/06, with respect to the 112, first paragraph, rejection of claims 1-39 have been fully considered and are persuasive. The rejection has been
5 withdrawn.

Applicant's arguments with respect to the 102(e) rejection of claim 1 et al under D'Sa have been fully considered and are persuasive. The rejection has been withdrawn.

10 Applicant's arguments with respect to the 102(e) rejection of claim 1 et al under Bendinelli have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office
15 action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH
20 shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should
25 be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

Art Unit: 2137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application
5 Information Retrieval (PAIR) system. Status information for published applications may be obtained from
either Private PAIR or Public PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)
at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative
10 or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-
1000.

KS


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER